IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.9092 OF 2003

Suresh Maruti Aranke and another)..Petitioners

Versus

Gajanan @ Ramesh M.Aranke and another)..Respondents

Mr.R.A. Thorat for the Petitioners.

Mr.S.A. Bhagwat i/b.M/s.V.Deshpande and Co. for Respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 27TH FEBRUARY 2006

P.C.:

. By this Petition, the Petitioners challenge the order dated 31st October 2003 passed by the Additional District Judge, Karad below Exhibit 55 in M.C.A. No.199 of 2000. The Appellate Court has issued certain directions which grant equitable reliefs to the parties concerned. The Petitioners, who are the Defendants, have claimed ownership of the property on the basis of the Will left by their father Maruti Ganesh Aranke. The Plaintiff, on the other hand, who is Respondent No.1 to the Petition, has filed the Suit on the basis of the Will. The Appellate Court has made these orders while considering the fact that the validity of the Will would be considered at the final hearing. A discretionary order has been made by the Additional District Judge, Karad. In my view, there is no error apparent on the face of the record nor is there any jurisdictional error committed by the Appellate Court. Petition rejected.